IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

–

–

FRIDAY, THE TWENTYNINTH DAY OF JULY

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

* * *

WRIT PETITION No.16681 OF 2005

Between:

A.Rajamogili & Ors. … Petitioners

Versus

The District Collector, Warangal & Ors. … Respondents

Counsel for the Petitioner : Mr.M.N.Narasimha Reddy

Counsel for the Respondents: **GOVT.PLEADER FOR REVENUE**

-

-

-

O R D E R :

This writ petition is filed questioning the action of the respondents in trying to dispossess the petitioners from their lands admeasuring Acs:4-16 guntas in survey no.789 situate at Waddepally village of Hanamkonda Revenue Mandal, Warangal district and declare their action of interference with the possession of the petitioners over the above lands without issuing any notice as arbitrary, illegal and contrary to the principles of natural justice.

It is submitted that the petitioners have acquired possession of Acs:4-16 guntas of

land in survey no.789 of Waddepalli village under registered sale deed dated 15-4-1993 executed by Mr.Gai Cheralu, Mr.Gai Saraiah and Mr.Kalavathi in favour of the first petitioner, who is the head of the Hindu joint family and later it was divided among brothers. The names of the petitioners were mutated in the revenue records and they have been issued pattedar passbooks. Further the land of the petitioners neither falls under the urban agglomeration nor in the peripheral area of the Urban Land Ceiling. The petitioners are cultivating the above land to eke out their livelihood and the standing crops are in existence.

The petitioners submit that the respondents are threatening to take possession of the said lands without issuing any notice to them on the ground that the vendor of the petitioners had submitted a declaration under Urban Land Ceiling Act and the authorities have declared him as holding excess of the ceiling limit. But according to the information, the vendor of the petitioners did not receive any notice and in fact he had obtained exemption from attracting the provisions of Urban Land Ceiling Act. Now the petitioners are apprehending that if they are dispossessed without issuing any notice or affording any opportunity they would be put to irreparable loss and hardship.

Considering the facts and circumstances of the case and without going into the merits or otherwise, I deem it appropriate to dispose of the writ petition at the admission stage directing the respondents not to interfere with the possession and enjoyment of the petitioners over the land admeasuring Acs:4-16 guntas in survey no.789 situate at Waddepally village of Hanamakonda Revenue Mandal, Warangal district, without following due process of law. However, this order does not preclude

the respondents from contemplating any action under the established principles of law.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

JULY 29th, 2005. ----------

I s L. ELIPE DHARMA RAO , J.